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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,136	09/19/2001	Yutaka Tokura	35.C15798	8381
5514 7590 08/21/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER HANG, VU B	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/955,136	<b>Applicant(s)</b> TOKURA, YUTAKA	
	<b>Examiner</b> Vu B. Hang	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29 and 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- This office action is responsive to the communication filed on 06/11/2007.
- The amendments received on 06/11/2007 have been entered and made of record.
- Claims 1-28 and 30-32 are cancelled.
- Claims 29 and 33-37 are pending in the application.

### ***Response to Arguments***

1. Applicant's arguments filed on 06/11/2007, with respect to the rejection of Claim 29 under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 5,978,557) in view of Neuhard et al (US Patent 6335,795 B1), have been fully considered and are persuasive. Therefore, the previous rejection of Claim 29 has been withdrawn. However, upon further consideration, new grounds of rejections for Claims 29 and 33-37 are made in view of Idehara (US Patent 6,912,057 B1) and Green (US Patent 5,513,839).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 29, 33, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 5,978,557) in view of Idehara (US Patent 6,912,057 B1).

4. Regarding **Claims 29 and 33**, Kato discloses an information processing apparatus connected to a color printer and a monochromatic printer (see Fig.8, Col.1, Line 45-50 and Col.8, Line 60-61), the information processing apparatus comprising: a discriminating means for discriminating whether each page in the print job consisting a plurality of pages is a color page or a monochromatic page (see Fig.4 (S8, S9, S12) and Col.1, Line 57-65); a determination means for determining whether each page in the print job is to be output to the color printer or the monochromatic printer, based on a discrimination made by the discriminating means (see Fig.4 (S8, S9, S12) and Col.1, Line 57-65); an outputting means for outputting print data of each page selectively to the color printer or the monochromatic printer based on the determination made by the determination means (see Fig.4 (S8, S9, S12), Fig.8, and Col.1, Line 57-65); and a controller for controlling the printing of each of the monochromatic printers, based on the determining means (see Fig.7, Col.5, Line 4-30 and Col.6, Line 4-7). Kato fails to expressly disclose an adding means for adding, to the print data output by the output means, an ejection command according to the color or monochromatic printer; and a control means for controlling each of the color and monochromatic printers such that an ejection position is changed when a succeeding page is not serial to the previously outputted page, based on the ejection command added by the adding means.

5. Kato, however, teaches adding a color flag to the page image data for determining whether a current page is a color page or a monochromatic page (see Fig.4 (S8), Col.5, Line 4-8, Col.5, Line 56-61 and Col.6, Line 4-7), and for routing the page to either the color printer or the monochromatic printer, based on the color flag information (see Col.6, Line 31-39). Kato further teaches printing the color and monochromatic pages as separate groups (see Col.5, Line 4-14 and

Col.5, Line 35-39), for the purpose of maximizing printing efficiency (see Col.2, Line 30-32). Idehara teaches using a sorter for ejecting the printed papers to a plurality of bins (see Fig.1 9190 and Col.3, Line 10-12); and changing the ejection position to eject the printed papers to specific bins, depending on whether the printed papers are color or monochromatic (see Fig.1 (19), Fig.2 (S105,S106,S108,S116,S118) and Col.4, Line 4, Line 29-32). Idehara further teaches grouping the color pages and monochromatic pages for printing (see Col.3, Line 59-35); assigning them page number or index information to identify which group the pages belong to (see Col.3, Line 24-36); and switching the ejection position of a sorter to eject the printed pages to the designated bins, depending on the page number or index data (see Fig.1 (19), Col.4, Line 29-32 and Col.4, Line 48-52). Idehara also teaches determining whether the succeeding pages of a group are continuous or not (see Col.4, Line 6-6-19 and Col.4, Line 48-52).

6. Kato and Idehara are combinable because they are from the same field of endeavor, namely printing communication systems. At the time of the invention, it would have been obvious for one skilled in the art to Kato's color flag information as triggering data for determining whether a succeeding page is not serial to the previously outputted page, and for controlling the ejection position for the color printer or the monochromatic printer. The motivation would be to separate the color and monochromatic pages into groups and perform separate printings at two different printers for efficiency purposes. The color flag information could easily be placed into image data, and thus the print control command for controlling the printing at the color printer and monochromatic printer. The grouping and separate printings would maximize the efficiency in terms of printing speed and low cost, as taught by Kato.

7. Regarding **Claims 35 and 37**, the same rationale used for the rejections of Claims 29 and 33 is incorporated herein.

8. Claims 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 5,978,557) in view of Idehara (US Patent 6,912,057 B1), and in further view of Green (US Patent 5,513,839).

9. Regarding **Claims 34 and 36**, Kato and Idehara teaches the apparatus of Claim 29 but fail to teach an ejection command for shifting the ejection position from one position in a tray to a second position the same tray. Kato, however, teaches grouping the related pages together for printing (see Col.5, Line 4-8 and Col.5, Line 35-39). Idehara teaches grouping the color pages and monochromatic pages for printing (see Col.3, Line 59-65); assigning them page number or index information to identify which group the pages belong to (see Col.3, Line 24-36); and using a sorter to group the printed color pages and monochromatic pages into separate groups (see Fig.1 (19), Fig.3A, Fig.3B, Fig.3C and Col.3, Line 59-65). Green discloses a sheet handler for laterally offsetting the exit rollers of a paper ejection unit to stack the selected printed pages partially laterally offset from other printed sheets (see Col.1, Line 48-67).

10. Kato, Idehara and Green are combinable because they are from the same field of endeavor, namely printing communication systems. At the time of the invention, it would have been obvious for one skilled in the art to use the page grouping information (i.e. page number or page index information) for controlling the ejection unit to shift the ejection position from one position in a tray to a second position the same tray. The motivation would be to stack either the color pages or the monochromatic pages partially laterally offset from the other group of printed

sheets. The laterally offset stacking would enable easy identification of the color pages and the monochromatic pages for retrieval at the printing station.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

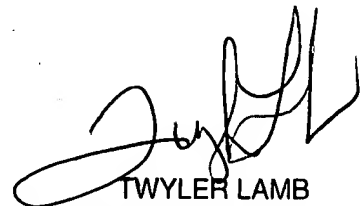
12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vu B. Hang whose telephone number is (571) 272-0582. The examiner can normally be reached on Monday-Friday, 9:00am - 6:00pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vu Hang  
Assistant Examiner



TWYLER LAMB  
SUPERVISORY PATENT EXAMINER